

# Epstein & August, LLP

ATTORNEYS AT LAW

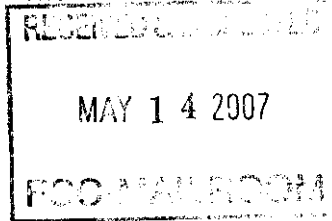
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PETER J. EPSTEIN

WILLIAM AUGUST

May 4, 2007

CG Docket No. 06-181

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

In re: Closed Captioning and Video Description of Video Programming –  
Implementation of Section 305 of the Telecommunications Act of 1996 – Video  
Programming Accessibility

CGB-CC-0523 – Withdrawal of Petition for Exemption from Close  
Captioning Due to Cancellation of Broadcast of Subject Programs With  
Dismissal and/or Termination of Proceeding

Dear Ms. Dortch:

On May 4, 2006, Boston Community Access and Programming Foundation, Inc., d/b/a Boston Neighborhood Network or BNN, filed a "Request for Exemption from Commission's Closed Captioning Rules," with respect to two programs (Neighborhood Network News and Talk of the Neighborhoods) then broadcast over broadcast station PAX 68, now also known as WPBX Channel 68. On March 2, 2007, an Opposition to BNN's requested exemption petition was filed by a coalition of advocacy and non-profit charitable organizations, including Telecommunications for the Deaf and Hard of Hearing, Inc., National Association for the Deaf, Deaf and Hard of Hearing Consumer Advocacy Network, Hearing Loss Association of America, Association of Late-Deafened Adults, Inc., American Association of People with Disabilities, and California Coalition of Agencies Serving the Deaf and Hard of Hearing (collectively "Commenting Opposition Parties").

After review of the above Opposition, BNN diligently requested that WPBX cease any broadcasting of the subject programming, or forthwith commence close

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Marlene H. Dortch, Secretary  
CGB-CC-0523/Withdrawal of Exemption Petition with Dismissal Request  
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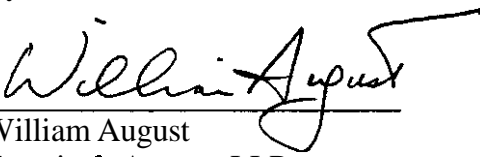
captioning of the programming. WPBX informed BNN that it will immediately discontinue broadcasting of the subject Programming in lieu of close captioning it. As there is no longer any broadcasting of the subject programming, BNN can not seek to close caption the programming which was the subject of the Petition, and respectfully requests withdrawal of its original Petition subject to termination of the proceeding and/or appropriate FCC dismissal to let the record reflect that this proceeding is therefore appropriately terminated.

In the alternative, simple dismissal or other termination, without withdrawal of the underlying petition, would be entirely acceptable to BNN. The key point is that the subject programming has been discontinued and therefore there is no cause for any close captioning, and FCC proceedings in this matter should therefore be terminated.

By way of further cause for relief in this matter, BNN notes for the record that BNN has throughout its existence had gross annual revenues well below two million dollars (\$2,000,000.00), and therefore could in any event avail itself of certain exemptions from close captioning as a multichannel video provider pursuant to Section 79.1(d)(12) of the Commission's rules. Notwithstanding the foregoing, the main point here is that exemption is beside the point as the broadcasting of the subject programs over WPBX has been discontinued, and withdrawal of the petition, in connection with FCC closure, dismissal and/or other appropriate termination are in order. A signed certification of facts is attached.

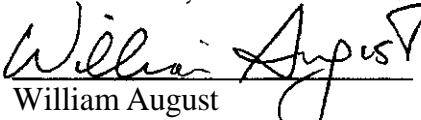
Thank you for your attention to this matter. As always, please do not hesitate to contact me should you require any additional information whatsoever.

Respectfully submitted,  
Boston Neighborhood Network  
By its counsel:

  
William August  
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Boston, MA 02110  
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### Certificate of Service

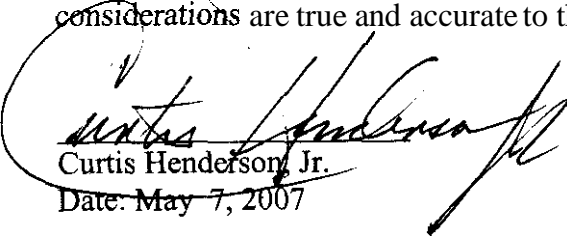
I, William August, Esq., hereby certify that a copy of the above BNN Withdrawl of the Petition **for** Exemption of BNN, and Request for Dismissal/Termination was served by first class mail to Marlene Dortch, Secretary, **FCC** and to Paul Gagnier, Troy Tanner and Danielle Burt, counsel to the **Commenting Opposition Parties**.

 5.7.07

William August  
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## CERTIFICATION

I, Curtis Henderson, Jr., General Manager of Boston Community Access and Programming Foundation, Inc, hereby certify that to the extent there are any facts or considerations not already in the public domain which have been relied on in the attached pleading and Withdrawal of Petition for Exemption from Closed Captioning Requirements, and the foregoing Request for Dismissal/Termination, these facts and considerations are true and accurate to the best of my knowledge.



Curtis Henderson, Jr.

Date: May 7, 2007